

IN THE DRAWINGS

Please replace existing Figure 3 of with the Replacement Sheet enclosed herewith. As shown on the enclosed Marked-Up Sheet, the Applicant has included text labels for boxes 56 and 60, which were inadvertently omitted. The addition of the text labels does not introduce new matter as the text of the specification (at page 11, line 1) clearly indicates that box 56 is a PBX and box 60 is an ADC.

REMARKS

This Preliminary Amendment is filed in connection with a Request for Continued Examination and a 1-month Extension of Time, and is in response to the Final Office Action mailed Dec. 12th, 2005 and the Advisory Action mailed Mar. 24th, 2006. All objections and rejections are respectfully traversed.

Claims 1-35 are now pending in the case.

Claims 1, 8, 15, and 17-23 have been amended.

Claims 24-35 have been added. The Applicant respectfully urges that the new claims include novel limitations not suggested by any of the references cited by the Examiner. Accordingly, the Applicant respectfully requests allowance of these new claims.

Response to Advisory Action

In the Advisory Action, the Examiner agrees that Bell does not suggest a “variable in the script to determine the destination.” The Examiner instead turns to Crockett for this feature. Yet the portion of Crockett cited merely discusses selecting a destination in response to “current call center statistics.” Specifically, Crockett col. 3, lines 39-45 reads (emphasis added):

If current call center statistics are available to the call routing processor, the method optionally calculates an estimated answer delay for one or more of the call center destinations. In such case, ***the processing of the multiple valid destinations comprises selecting the destination having a shortest estimated answer delay*** after the estimated answer delays for all destinations have been modified as directed by the routing plan rules.

In sharp contrast, the Applicant claims in representative claim 1, “***the script including at least one call routing instruction that references a variable, a value of the variable specifying a destination of the call.***” Even if the “current call center statistics”

were to be interpreted as “variables,” an interpretation the Applicant respectfully traverses, they certainly do not specify a destination of the call themselves. Rather, the call center statistics are simply statistical measures of delay and the like. Crockett specifies that the destination of the call is included explicitly in the scripts and is not part of these statistics. Accordingly, the Applicant respectfully requests the Examiner reconsider allowance of the claims.

Claim Rejections 35 U.S.C. §103

At paragraph 2 of the Final Office Action, claims 1-23 were rejected under 35 U.S.C. §103(a) as unpatentable over Crockett, U.S. Patent No. 5,590,188 (hereinafter Crockett), in view of Bell et al., U.S. Patent No. 6,549,619 (hereinafter Bell).

The Applicant notes that Bell was filed on Dec. 1st, 1999, approximately 6 month before the Applicant’s priority date. While the Applicant does not admit Bell has actual prior art status, even assuming arguendo Bell is prior art, the reference would not anticipate or make obvious the Applicant’s claims as explained below.

The Applicant’s claim 1, representative in part of the other rejected claims, sets forth:

1. A method for controlling call routing by a communication system, comprising:
 - receiving a call;
 - executing a script in response to receiving said call, said script having instructions that when executed by the system control routing of said call in the system, the script including ***at least one call routing instruction that references a variable, a value of the variable specifying a destination of the call;***
 - reading the value for said variable from a database, said database having said value updated in response to action by a user;*** and
 - setting the variable equal to the value, to determine the destination of the call in response to the value.

Crockett discloses a script driven call routing processor, which executes logic statements in a script to determine routing of telephone calls. Crockett gives two examples of pseudo-code scripts, an old script at col. 10, line 10 through col. 13 line 8, and his new script in col. 13 line 23 - line 31. In both the old and new scripts, Crockett routes calls to destination call centers that hard-coded into the script, i.e. represented by the terms “Chicago”, “Boston”, “Denver”, and “Seattle” written into the pseudo code. In addition, for processing the script, a system time may be retrieved to evaluate any timing constraints that are specified in the script.

Bell describes a method for automatically administering incoming and outgoing call services such as call screening. *See abstract.* A “privileged caller list” is constructed containing the telephone numbers of frequent callers that are allowed direct access to a subscriber. *See col. 5, lines 21-24.* A subscriber “may manually update/change the privileged caller list” to change the callers who have access. *See col. 5, lines 26-27.*

The Applicant respectfully urges that both Crockett and Bell are silent concerning the Applicant’s claimed “***at least one call routing instruction that references a variable, a value of the variable specifying a destination of the call***” and “***reading the value for said variable from a database, said database having said value updated in response to action by a user.***”

First, while the Applicant claims a script with a variable and “***a value of the variable specifying a destination of the call,***” Crockett teaches away from the Applicant’s claims, suggesting one should specify a destination explicitly in any routing scripts, and Bell is silent concerning routing scripts in general. Crockett teaches, by his pseudo-code scripts, that destination information should be explicitly included in the scripts themselves. *See e.g.* Crockett col. 10, lines 11-12 (stating, emphasis added, “If today is Sunday, send 100% of calls to Chicago”). In sharp contrast, the Applicant claims that scripts should reference variables in the script, which are defined elsewhere (i.e. in the database updated in response to action by a user).

Further, at paragraph 2 of the Final Office Action, the Examiner suggests that the claimed “variable” is shown by Crockett’s “table storing 800 numbers or N00 service of-

fering as discussed at col. 15, lines 28-38 and the “ANI” in col. 15, line 5.” The Applicant respectfully requests the Examiner reconsider the disclosure of Crockett. Specifically, lines 28-38 merely state that Crockett’s invention may be extended for use with “multiple 800 numbers” or with “other advanced N00 services offerings.” Such description does not go so far as to suggest the Applicant’s *at least one call routing instruction that references a variable, a value of the variable specifying a destination of the call*. Similarly, Crockett’s col. 15, lines 5-6 merely state “If ANI is from Texas and time is between 8:00 am and pm, select 214-612-2600.” Please note, such lines teach away from the Applicant’s claims as they suggest a destination should not be a variable, but should be explicitly included in the script itself (i.e. 214-612-2600 is explicitly stated). Accordingly, rather than suggest the Applicant’s claims, the combination of the references teaches away from the claims

Second, while the Applicant claims “*reading the value for said variable from a database, said database having said value updated in response to action by a user,*” Crockett merely discusses a list of rules, and Bell simply describes a caller list. Crockett’s list of rules is simply a reference to his routing script. Accordingly, Crockett’s updating of the script may not fairly be characterized as updating a database. Furthermore, Bell simply describes a “privileged caller list” containing the telephone numbers of frequent callers. The frequent callers are sources of calls, not destinations of calls. Accordingly, such a “privileged caller list” may not fairly be characterizes as a *database having said value updated in response to action by a user* where the value of the variable specifies a *destination of the call*.

Accordingly, the Applicant respectfully urges that the combination of Crockett and Bell is legally insufficient to make obvious the present claims under 35 U.S.C. §103 because of the absence of the Applicant’s claimed novel “*at least one call routing instruction that references a variable, a value of the variable specifying a destination of the call*” and “*reading the value for said variable from a database, said database having said value updated in response to action by a user.*”

In the event that the Examiner deems personal contact desirable in disposition of this case, the Examiner is encouraged to call the undersigned attorney at (617) 951-2500.

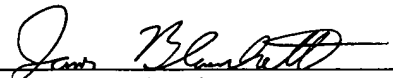
All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims.

The Applicant respectfully solicits favorable action.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



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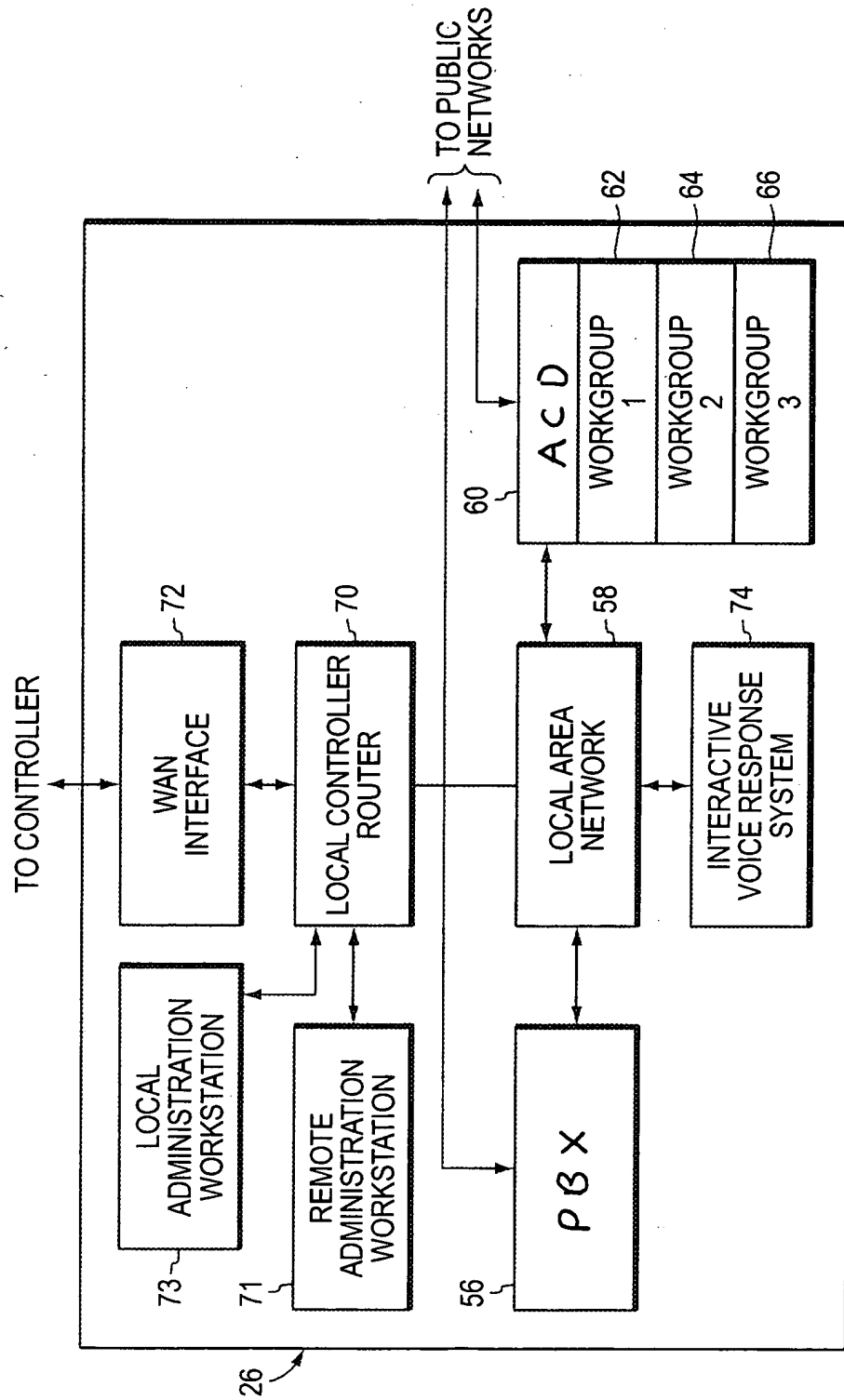


FIG. 3